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July 7, 2005

The Honorable Abraham Gerges
Justice of the Supreme Court
Kings County

Re: People v. John O'Hara
Kings County Indictment Number
13525/96

Dear Justice Gerges:

In response to your directive concerning the origins of the investigation of the defendant in the referenced matter, please be advised that:

- At the end of May or beginning of June of 1996, Assistant District Attorney Angelo Morelli, Chief of the Investigations Bureau, met with Assemblyman Brennan and his staff member John Keefe concerning a recent assault on Mr. Jack Carroll, an election lawyer who had served as counsel to the Assemblyman and his campaign committee. Mr. Carroll had filed a complaint with the NYPD.
- At the meeting, both Assemblyman Brennan and Mr. Keefe expressed the belief that John O'Hara was involved in the assault on Mr. Carroll. They were also not completely satisfied with the investigation conducted by the Police Department. Mr. Keefe stated that he feared that he also might have been targeted, because he believed that someone had been following him on the night of the attack on Mr. Carroll. A.D.A. John O'Mara, of the Investigations Bureau, joined the meeting. The possible motive for the attack was discussed. There was speculation that O'Hara had been motivated by the fact that Jack Carroll had successfully represented challengers to O'Hara's petitions for candidacy for public office. In fact, earlier in the day of the attack on Carroll,

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O'Hara had verbally confronted Carroll in the hallway of the Supreme Courthouse at 360 Adams Street.

- During this meeting, the Assemblyman and Mr. Keefe expressed the belief that O'Hara did not, in fact, reside at the address he was claiming on his voter registration. They further stated that a judge who had presided over a civil Election Law matter involving O'Hara had mentioned that he might refer that matter to the District Attorney for investigation. No such referral was made.
- Approximately mid-June 1996, A.D.A. O'Mara was advised by A.D.A. Morelli to return the call of Mr. Jeff Waite, an investigating attorney with the State Board of Elections. A.D.A. O'Mara spoke to Mr. Waite and learned that the Board of Elections was pursuing an investigation, and had collected evidence, of voter-residence fraud involving O'Hara and sought the assistance of the District Attorney's Office in pursuing the investigation of O'Hara's possible violation of the election law. Mr. Waite subsequently forwarded documents relating to the investigation.
- The investigation was commenced.

Finally, in response to your inquiry concerning First Assistant District Attorney Dino Amoroso, I have verified that he joined the District Attorney's staff on February 15, 1990. On or about June 20, 2005, Richard Brown, the Queens District Attorney, announced that his office had concluded that A.D.A. Amoroso had lawfully registered to vote from a residence in Queens County.

Sincerely,


Anne Gutmann
Assistant District Attorney

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